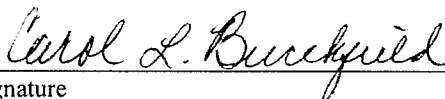


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**REQUEST FOR CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

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*I hereby certify that this correspondence is being electronically filed with the United States Patent and Trademark Office on May 12, 2010 at or before 11:59 p.m. Pacific Time under the Rules of 37 CFR § 1.8.*

  
Signature

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|                    |  |                       |
|--------------------|--|-----------------------|
| Application Number | : 10/799,143   | Confirmation No. 7913 |
| Filing Date        | : March 11, 2004   |                       |
| Inventor(s)        | : Lutz Biedermann, et al.  |                       |
| Title              | : ANCHORING ELEMENT FOR USE IN SPINE OR BONE SURGERY, METHODS FOR USE AND PRODUCTION THEREOF |                       |
|                    |  |                       |
| Group Art Unit     | : 3733   |                       |
| Examiner Name      | : Mary C. Hoffman  |                       |
| Docket No.         | : 56717/B884   | Date: May 12, 2010    |

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**MAIL TO: Mail Stop RCE**

This is a Request for Continued Examination (RCE) under 37 CFR § 1.114 of the above-identified application.

This application is **not** an application of the kind specified in 37 CFR § 1.114(e).

**1. THE STATUS OF THE APPLICATION IS AS FOLLOWS:**

- a. ☒ Pending (no review proceedings active)
- (1) ☒ An Action was mailed by the Office on November 12, 2009, as to which no appeal under 37 CFR § 1.191 has been filed and
- ☐ a response under 37 CFR § 1.116 was filed on
- ☐ via Express Mail
- ☐ with certificate of electronic transmission under 37 CFR § 1.8
- ☒ that Action was a Final Rejection, the finality of which is to be withdrawn by this Request
- ☐ an appeal or civil action under 35 U.S.C. 141,145 or 146 has been terminated
- (2) ☐ Allowed: the Notice of Allowance was mailed by the Office on
- ☐ the Issue Fee has not been paid
- ☐ the Issue Fee has been paid **and** a petition under 37 CFR § 1.313 was granted on
- b. ☐ Pending (with review proceeding active)

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**REQUEST FOR CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

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**Application No. 10/799,143**

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An appeal under 37 CFR § 1.191 has been filed. **Applicant(s) hereby withdraw that appeal and request reopening of the prosecution of the application.**

**2. SUBMISSION(S) REQUIRED (check at least one)**

**a. Previously submitted**

- ☐ Consider the amendments/reply under 37 CFR § 1.116 previously filed on  
☐ Consider the arguments in the Appeal or Reply Brief previously filed on  
☐ Other:

**b. Enclosed**


- ☒ Amendment/Reply  
☐ Affidavit(s)/Declaration(s)  
☒ Information Disclosure Statement  
☐ Documents under 37 CFR § 1.48  
☒ Petition for Extension of Time  
☐ Other:

The Examiner is requested to telephone the undersigned promptly following receipt and initial review of the application in light of the Submissions(s) for the conduct of, or the scheduling of, a telephone interview in the application.

Please direct all correspondence to **CUSTOMER NUMBER 23363**. Direct telephone calls to 626/795-9900, **CHRISTIE, PARKER & HALE, LLP, P.O. Box 7068, Pasadena, CA 91109-7068**.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By   
Mark Garscia  
Reg. No. 31,953  
626/795-9900

MEG/pss

**REQUEST FOR CONTINUED EXAMINATION (RCE)  
FEE CALCULATION SHEET**

**Application No. 10/799,143**

**PART I — BASIC FEE**

|           |                          |                          |          |
|-----------|--------------------------|--------------------------|----------|
| BASIC FEE | Small Entity<br>\$405.00 | Large Entity<br>\$810.00 | \$810.00 |
|-----------|--------------------------|--------------------------|----------|

**PART II — ADDITIONAL CLAIMS (compared to application before RCE)**

|  | Claims<br>Remaining<br>After<br>Amendment | Highest<br>Number<br>Previously<br>Paid For | Number<br>Extra<br>Claims | Small<br>Entity Rate | Large<br>Entity Rate | FEE |
|--|---|---|---------------------------|----------------------|----------------------|-----|
| Total<br>Claims  | 27  | *27   | 0                         | x \$26.00            | x \$52.00            | 0   |
| Independent<br>Claims  | 3   | **6   | 0                         | x \$110.00           | x \$220.00           | 0   |
| First Presentation of Multiple Dependent Claim   |   |   |                           | \$195.00             | \$390.00             |     |
| TOTAL CLAIMS FEE   |   |   |                           |                      |                      | \$  |
| List Independent Claims: 1, 10 and 21  |   |   |                           |                      |                      |     |
| * IF THE "HIGHEST NUMBER OF TOTAL CLAIMS PREVIOUSLY PAID FOR" IS LESS THAN 20, WRITE "20" IN THIS SPACE. |   |   |                           |                      |                      |     |
| ** IF THE HIGHEST NUMBER PREVIOUSLY PAID FOR IS 3 OR LESS, WRITE "3" IN THIS SPACE.                      |   |   |                           |                      |                      |     |

1. FEES *(The RCE fee under 37 CFR § 1.17(e) is required by 37 CFR § 1.114 when the RCE is filed.)*
- a. Amount (total from Fee Calculation Sheet)
- Please deduct \$810.00 from Deposit Account No. 03-1728.
- b.   X   The Commissioner is hereby authorized to charge any fees under 37 CFR 1.16 and 1.17 which may be required for this transaction to Deposit Account No. 03-1728. Please show our docket number with any charge or credit to our Deposit Account.